

Application No. 10/783,597
Amendment "A" dated September 1, 2005
Reply to Office Action mailed April 5, 2005

REMARKS

Applicants express appreciation to the Examiner for the interview granted to applicants' representative. As presented herein for reconsideration, independent claims 1 and 21 have been amended as proposed at the interview, and corresponding amendments to their respective dependent claims have been made insure consistency with the independent claims. Claims 37 – 49 have been cancelled without prejudice.

Accordingly, by this paper, independent claims 1 and 21, and dependent claims 2 – 4, 7 – 20 and 22 – 36 are presented for reconsideration.

In the Office Action, independent claim 1 was rejected under 35 U.S.C. § 102(e) as anticipated by U. S. Application Pub. No. US 2004/0214140 (Fischer et al.). Independent claim 21 was rejected under 35 U.S.C. § 103(a) as being obvious over U. S. Pat. No. 3,625,215 (Quisling) and further in view of U. S. Application Pub. No. US 2003/0194382 (Chang).¹

As presented herein for reconsideration, independent claim 1 defines a dental treatment system for use in applying a treatment composition to a person's teeth. The treatment system is comprised of a moisture-resistant barrier layer having a front side wall and a bottom wall, and that is adapted to be worn over at least a portion of a person's upper or lower dental arch without requiring customization prior to wearing. The barrier layer comprises a thin-walled, flexible membrane material that is adapted to at least partially conform to the person's teeth when placed over a patient's teeth to apply the treatment composition, and also comprises one or more anatomical features that facilitate the ability of the barrier to conform to the patient's teeth when worn for treatment. The treatment system also included a support skeleton positioned adjacent to the barrier layer prior to placement over the patient's teeth so as to maintain the thin-walled flexible membrane material in a tray-like configuration to facilitate placement of the barrier layer when forming the treatment tray by its placement over the person's teeth. Lastly, the treatment system of claim 1 includes a dental treatment composition placed onto the barrier layer prior to its placement over the patient's teeth.

Independent claim 21 is similar to claim 1 except that the composition of the treatment system is a substantially solid adhesive composition that has increased adhesiveness to teeth

¹ Since both Fischer et al. and Chang qualify, if at all, as "prior art" under 35 U.S.C. § 102(e), applicants reserve the right to challenge the status of either or both references. Accordingly, and reference herein to either Fischer et al. and/or Chang should not be construed as an admission that such reference(s) qualify as "prior art," and is made merely assuming *arguendo* that they are qualifying "prior art."

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when moistened with saliva or water, and includes at least one active agent, at least one tissue adhesion agent that contributes or provides increased adhesiveness to oral tissue when moistened with saliva, and at least one of a sticky viscous gel, a less viscous gel, or a highly viscous putty adjacent to at least one of said barrier layer or said adhesive composition.

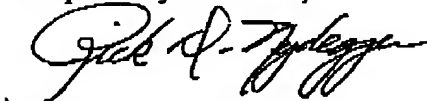
As discussed at the interview, none of the references of record, either singly or in combination, teach or suggest a treatment system that includes a barrier layer comprising a thin-walled flexible membrane that is not customized to a patient's teeth prior to wearing, a support skeleton positioned adjacent the membrane, to provide support to the membrane, and at least one anatomical feature in the membrane to enable the membrane to conform to the teeth. Thus, as concluded at the interview "This combination of elements is patentable over the prior art of record." (Interview Summary)

Applicants have made minor amendments to the specification to correct typographical errors and the like, and to correct the absence of the reference to drawing numerals 203a and 303a in Figures 2 and 3. A terminal disclaimer with respect to commonly owned co-pending application SN 10/444,242 also is submitted herewith as discussed at the interview.

Since there are no other outstanding issues of record, for at least the reasons noted above, the application is believed to be in condition for allowance and therefore favorable action is courteously requested.

Dated this 1st day of September, 2005.

Respectfully submitted,



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